

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOANNE HART and SANDRA  
BUENO, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

BHH, LLC d/b/a Bell + Howell and  
VAN HAUSER LLC

Defendants.

Civil Action No. 1:15-CV-04804-WHP

**PLAINTIFFS' NOTICE OF MOTION  
FOR CLASS CERTIFICATION,  
APPOINTMENT OF CLASS  
REPRESENTATIVES, AND  
APPOINTMENT OF CLASS COUNSEL**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, upon the Declaration of Yitzchak Kopel, the Declaration of Colin Weir, the Declaration of Joanne Hart, the Declaration of Sandra Bueno, the exhibits attached thereto, and the accompanying Memorandum of Law, Plaintiffs Joanne Hart and Sandra Bueno hereby move before the Honorable William H. Pauley III for an Order, pursuant to Fed. R. Civ. P. 23(b)(3) and (b)(2) to: (i) certify the following classes:

**Nationwide Fraud Class:** “All persons who purchased one or more Bell + Howell Ultrasonic Pest Repellers in the United States from April 20, 2011 to June 15, 2016 (the “Class Period”), excluding persons who purchased for purpose of resale;”

**Multistate Breach of Express Warranty Class:** “[A]ll persons who purchased one or more Bell + Howell Ultrasonic Pest Repellers in the states of Alaska, California, Colorado, Delaware, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming during the Class Period, excluding persons who purchased for purpose of resale;”  
and

**California Class:** “[A]ll persons who purchased one or more Bell + Howell Ultrasonic Pest Repellers in the state of California during the Class Period, excluding persons who purchased for purpose of resale;” and

(ii) appoint Joanne Hart as representative of the California Class and Sandra Bueno as representative of the Nationwide Fraud Class, Multistate Breach of Express Warranty Class, and California Class; and (iii) appoint Plaintiffs’ counsel, Bursor & Fisher, P.A., as Class Counsel.

Dated: March 16, 2017

Respectfully submitted,

**BURSOR & FISHER, P.A.**

By: /s/ Yitzchak Kopel  
Yitzchak Kopel

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